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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,510	06/26/2000	Arthur Dale Burns	STUD-0001	2809
27964	7590	02/09/2006	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 02/09/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/603,510

Filing Date: June 26, 2000

Appellant(s): BURNS, ARTHUR DALE

MAILED

FEB 09 2006

GROUP 1700

Mr. J. Heisz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12-7-04

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Grounds of rejection

The appellant's statement of the grounds of rejection in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

5,940,812	TENGEL et al	8-1999
6,223,566	LEVINE et al.	5-2001
5,745,885	MOTTOLA et al.	4-1998

(9) *Issues for Grounds of Rejection*

The appellant's statement of the issues in the brief is correct.

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et al in view of (Levine et al and Mottola et al).

Tengel et al discloses a loan qualification system and Internet site. An input module, associated with an Internet site, that presents at least one page to a loan applicant to assist said loan applicant in providing personal and loan information pertaining to a plurality of loans made to said loan applicant (fig, 5; col 8, lines 50-60).

A qualification module, associated with said input module, that assesses said personal information to determine a personal qualification of said loan applicant and assesses said loan information pertaining to said plurality of debts to determine a loan qualification of said loan applicant (figs 3a-3b; col 5, lines 29-67; col 6, lines 1-61)

The qualification module qualifying said loan applicant and informing said loan applicant and a lender only if said personal qualification and said loan qualification are positive (fig 6).

Tengel discloses loan guarantor information included in the personal information and aggregate loan debt of said loan applicant to determine said loan qualification (fig 5, "joint applicant"). The qualification module qualifies said loan applicant if an aggregate loan debt of said loan applicant exceeds a predetermined amount (col 5, lines 55-62).

Since Tengal discloses requiring information concerning all of applicant's debts, this inherently includes whether the plurality of loans are from more than one lender to determine said loan qualification.

It would have been obvious to one with ordinary skill in the art to include a secured site to Tengal et al for the purposes of security of personal information.

Tengel et al does not disclose:

- loan consolidation;
- student loans as the loan;
- the site is associated with an affinity group; and
- student loans guaranteed by a government-sponsored program.

Levine et al discloses loan consolidation (col 1, lines 49-67;col 2, lines 1-12) and student loans as loans (col 7, lines 37).

It would have been obvious to one with ordinary skill in the art to include student loans as the loans to Tengal et al because Tengal et al teaches his invention may include personal loans (col 5, lines 24-25) and Levine et al teaches student loans as one type of loan (col 7, lines 30-46).

It would have been obvious to one with ordinary skill in the art to include loan consolidation to Tengal et al because Levine et al teaches financial advantages to loan consolidation (col 2, lines 1-5).

Mottola et al discloses affinity groups (col 6, lines 7-18) and government-sponsored programs to guarantee student loans (col 1, lines 22-25).

It would have been obvious to one with ordinary skill in the art to include a site associated with an affinity group to Tengal et al because Mottola et teaches such for investment purposes (col 5, lines 61-62).

It would have been obvious to one with ordinary skill in the art to include to Tengal et al the determination of the plurality of loans are guaranteed by government-sponsored programs because Mottola et al teaches that loan programs are known (col 1, line 19).

(11) Response to Arguments

Appellant appears to argue that Levine and Tengal are non-analogous art. Both references are clearly concerned with the "loan life cycle" (as described by Levine). The

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art recognizes the loan process as a whole and the concerns that one with ordinary skill in the art would utilize techniques and apparatus of the loan life cycle to solve problems dealing with all aspects of loans. Both references appear to encompass financial manipulation of loans as the filed of endeavor.

Appellant argues that Levine et al only address issues relating to the business of buying and selling financial products. Levine clearly addresses all aspects of the loan life cycle. On column 3, lines 7-28 to Levine there is clear discussion of loan origination.

As described in the office action the motivations include: financial advantages of loan consolidation (col 2, lines 1-5). This appears to be specificity and desirability as required in the rejection of record.


Mottola does not teach away from using student loans per se. The reference to Mottola is utilized to show that government sponsored programs to guarantee student loans is known in the art. Appellant has not argued that government sponsored programs to guarantee student loans are not known in the art per se. Mottola is not used to combine for any consolidation technique which is already disclosed in the references utilized in the rejection.

The respective fields are not "light years apart" because financial institutions are conversant in all aspects of the "loan life cycle" contrary to applicant's suggestion that they are not. The "market manipulation" as described by applicant regarding Levine is a type of financial manipulation for loans. It is not "established" that Tengel and Levine are clearly defined separate fields of recognized endeavors.

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(12) Conclusion


For the above reasons, it is believed that the rejections should be sustained.


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